

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:15-cr-00058-MMD-WGC

ORDER

v.

DAVID ROBERT MUEGGE,

Defendant.

The Court received the attached letter from Defendant David Robert Muegge about his classification at the Washoe County Detention Center. The Clerk is directed to send Defendant a copy of this order and the docket sheet which reflects that the bank robbery count was dismissed on the government's motion.

DATED THIS 7<sup>th</sup> day of June 2016.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

5/27/16

To: The Honorable Miranda M. Du  
From: David Robert Muegge  
WCSO Booking #1516135  
USM# 05499-097

RE: Case # 3:15-cr-058-MMD-WGC  
(Docket # 0978)

Pertinent to Sentencing Hearing on 5/11/16  
@ 9:00 AM

Most Honorable Judge Du,

I am currently housed at the Washoe County Detention Facility and have been in continuous custody since September 15<sup>th</sup> 2015. I was most recently sentenced, by you, in your court to 18 mos. prison as well as 1 yr. of Supervised Release on May 11<sup>th</sup> 2016 @ 9:00 AM.

I have a concern as it pertains to my current status that I was certain would be addressed at my sentencing hearing. After discussing this with my attorney, Lauren D. Gorman, Asst. Fed Public Defender, she informed me that it was an issue only the Court could resolve.

It is a technical issue, I'm sure, but I feel in the interest of personal clarity I should address it with the Court.

Upon my arrest I was charged with Bank Robbery by the U.S. Attorney. I am not guilty of that and as the investigation progressed it was clear to the prosecution that I did not commit the crime but that I had knowledge of it, failed to report it, and committed an overt act to conceal the crime; (avoided questioning by law enforcement by leaving the state). I was indeed guilty of that and became willing through negotiations to admit to my guilt for a charge of Misprision of a Felony. Superseding Felony Information was filed with the court and I entered a guilty plea, which was accepted by you, on February 4<sup>th</sup> 2016.

As per the agreement crafted by the U.S. Attorney and agreed upon by the parties, under the "Disposition of Charges" heading part D. it was stated that "The United States will move to dismiss any additional pending charges against the defendant in this case at the time of sentencing." Herein lies my issue -

Due to the nature of my original charge of Bank Robbery I have been classified as a maximum security inmate and housed in Maximum Custody for the entire time of my incarceration and continue to be now. After several conversations with jail classification officers they have assured me that if my charge were dropped to a lesser, non-violent felony they would have no problem re-classifying me and allowing me to be moved to medium custody and afford me the opportunity to be housed in a "working unit" where inmates are allowed to work at various jobs in the facility as well as be housed with other medium security inmates in a less lock down intensive environment.

As a Max inmate I am confined to my cell 22 hours per day, have no chance at working, and am housed with all violent offenders. As of today, 16 days after my sentencing, the jail indicates that my current charge is Bank Robbery and that unless the court amends this I will continue to be here for that charge. As such I will have to remain in Max custody even though I am in fact here for a Non-Violent, Class E. Below.

I do not have knowledge about the flow of information between agencies and am not privy to the inner workings behind the scenes that keep everyone current with information. As such, I am not certain of time frames or norms regarding details such as these. I only know the following:

1. It was agreed that my original charge would be dismissed at sentencing.
2. I was sentenced nearly 3 weeks ago
3. The jail's records indicate that I still have my original charge
4. I am classified based on that charge
5. My attorney is uncertain as to why this is the case.

If I have missed something or misunderstood the issue please forgive my ignorance. If so with great respect I address this with the court and ask the court to help me if it can. Thank you for taking your valuable time to look this over.

Sincerely - Respectfully  
David J. Muegge

